

AMENDED IN SENATE APRIL 16, 2007

AMENDED IN SENATE MARCH 1, 2007

**SENATE BILL**

**No. 136**

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**Introduced by Senator Cedillo**

January 25, 2007

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An act to amend Section 4937 of the Business and Professions Code, relating to acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

SB 136, as amended, Cedillo. Acupuncture: Tui Na.

Existing law, the Acupuncture Licensure Act, provides for the licensure and regulation of acupuncturists by the Acupuncture Board. Existing law authorizes the holder of an acupuncturist's license to engage in the practice of acupuncture and various other forms of treatment, including Asian massage. Existing law specifies that the act does not prohibit a person who is not a licensed acupuncturist or licensed healing arts practitioner from performing or prescribing those other forms of treatment.

This bill would delete the term Asian massage and would instead authorize the holder of an acupuncturist's license to perform or prescribe the use of Tui Na. This bill would define Tui Na for purposes of that provision as ~~the use of a hands-on body treatment that uses~~ pressure techniques, including myofascial release, ~~or~~ and manual therapy, *as specified*.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 4937 of the Business and Professions Code is amended to read:

4937. An acupuncturist's license authorizes the holder thereof:

(a) To engage in the practice of acupuncture.

(b) To perform or prescribe the use of Tui Na, acupressure, breathing techniques, exercise, heat, cold, magnets, nutrition, diet, herbs, plant, animal, and mineral products, and dietary supplements to promote, maintain, and restore health. Nothing in this section prohibits a person who does not possess an acupuncturist's license or another license as a healing arts practitioner from performing, or prescribing the use of, a modality listed in this subdivision.

(c) For purposes of this section, a "magnet" means a mineral or metal that produces a magnetic field without the application of an electric current.

(d) For purposes of this section, "plant, animal, and mineral products" means naturally occurring substances of plant, animal, or mineral origin, except that it does not include synthetic compounds, controlled substances or dangerous drugs as defined in Sections 4021 and 4022, or a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(e) For purposes of this section, "dietary supplement" has the same meaning as defined in subsection (ff) of Section 321 of Title 21 of the United States Code, except that dietary supplement does not include controlled substances or dangerous drugs as defined in Section 4021 or 4022, or a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(f) For purposes of this section, "~~Tui Na~~" ~~means the use of pressure techniques, including myofascial release, or manual therapy~~ means a hands-on body treatment that uses pressure techniques, including myofascial release and manual therapy, that involve the use of acupressure to bring the body into balance or the use of range of motion or massage while stimulating acupressure points by brushing, rolling, pressing, or rubbing the areas between the joints in order to open the defensive chi of the body and stimulate the movement of energy in both the meridians and the muscles. Nothing in this subdivision shall be construed to

- 1 *authorize an acupuncturist to engage in a movement of a joint*
- 2 *beyond the normal active range of motion for that joint.* This
- 3 subdivision shall not in any way expand or restrict the scope of
- 4 practice for acupuncturists as described in this chapter.

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